

**U.S. District Court  
District of Columbia (Washington, DC)  
CIVIL DOCKET FOR CASE #: 1:17-cv-01596-RCL**

SAUTER v. DEPARTMENT OF STATE  
Assigned to: Judge Royce C. Lamberth  
Cause: 05:552 Freedom of Information Act

Date Filed: 08/09/2017  
Jury Demand: None  
Nature of Suit: 895 Freedom of  
Information Act  
Jurisdiction: U.S. Government Defendant

**Plaintiff**

**MARK SAUTER**

represented by **Mark Steven Zaid**  
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**Plaintiff**

**JAMES MADISON PROJECT**

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**LEAD ATTORNEY**  
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**Bradley Prescott Moss**  
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**ATTORNEY TO BE NOTICED**

**Plaintiff**

**LOIS MOORE**

represented by **Mark Steven Zaid**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Bradley Prescott Moss**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Plaintiff**

**ROBERT MOORE**

represented by **Mark Steven Zaid**  
(See above for address)  
**LEAD ATTORNEY**  
**ATTORNEY TO BE NOTICED**

**Bradley Prescott Moss**  
(See above for address)

*ATTORNEY TO BE NOTICED*

**Plaintiff**

**JANA OREAR**

represented by **Mark Steven Zaid**  
(See above for address)  
*LEAD ATTORNEY*  
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**Bradley Prescott Moss**  
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**Plaintiff**

**CHRISTIANNE OMALLEY**

represented by **Mark Steven Zaid**  
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*LEAD ATTORNEY*  
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**Bradley Prescott Moss**  
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V.

**Defendant**

**DEPARTMENT OF STATE**

represented by **Brian J. Field**  
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**Defendant**

**CENTRAL INTELLIGENCE  
AGENCY**  
Washington, DC 20505

represented by **Brian J. Field**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Claire M. Whitaker**  
(See above for address)  
*LEAD ATTORNEY*  
*ATTORNEY TO BE NOTICED*

**Defendant**

**DEPARTMENT OF DEFENSE**

represented by **Brian J. Field**  
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LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

**Claire M. Whitaker**  
(See above for address)  
LEAD ATTORNEY  
ATTORNEY TO BE NOTICED

| Date Filed | #         | Docket Text  |
|------------|-----------|--|
| 08/09/2017 | <u>1</u>  | COMPLAINT against DEPARTMENT OF STATE ( Filing fee \$ 400 receipt number 0090-5066967) filed by MARK SAUTER. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons State, # <u>3</u> Summons USADC, # <u>4</u> Summons USAG)(Moss, Bradley) (Entered: 08/09/2017)                                   |
| 08/09/2017 |           | Case Assigned to Judge Royce C. Lamberth. (sth) (Entered: 08/09/2017)  |
| 08/09/2017 | <u>2</u>  | SUMMONS (3) Issued Electronically as to DEPARTMENT OF STATE, U.S. Attorney and U.S. Attorney General (Attachments: # <u>1</u> Summons, # <u>2</u> Summons, # <u>3</u> Summons)(sth) (Entered: 08/09/2017)  |
| 08/31/2017 | <u>3</u>  | NOTICE of Appearance by Claire M. Whitaker on behalf of DEPARTMENT OF STATE (Whitaker, Claire) (Entered: 08/31/2017)   |
| 09/13/2017 | <u>4</u>  | ANSWER to Complaint by DEPARTMENT OF STATE.(Whitaker, Claire) (Entered: 09/13/2017)  |
| 09/29/2017 | <u>5</u>  | MOTION for Leave to File <i>First Amended Complaint</i> by MARK SAUTER (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Exhibit A – Complaint, # <u>3</u> Exhibit B – FAC, # <u>4</u> Summons CIA, # <u>5</u> Summons DoD, # <u>6</u> Text of Proposed Order)(Moss, Bradley) (Entered: 09/29/2017) |
| 10/02/2017 | <u>6</u>  | NOTICE of Appearance by Mark Steven Zaid on behalf of All Plaintiffs (Zaid, Mark) (Entered: 10/02/2017)  |
| 10/13/2017 | <u>7</u>  | RESPONSE re <u>5</u> MOTION for Leave to File <i>First Amended Complaint</i> filed by DEPARTMENT OF STATE. (Whitaker, Claire) (Entered: 10/13/2017)  |
| 12/20/2017 | <u>8</u>  | ORDER granting <u>5</u> Motion for Leave to File. ORDERED that Plaintiffs' First Amended Complaint is hereby deemed filed as of the date of this Order. Signed by Judge Royce C. Lamberth on 12/20/17. (lsj) (Entered: 12/20/2017)   |
| 12/20/2017 | <u>9</u>  | ENTERED IN ERROR.....First AMENDED COMPLAINT against DEPARTMENT OF STATE filed by MARK SAUTER.(zrdj) Modified on 1/4/2018 (zrdj). (Entered: 12/21/2017)  |
| 12/20/2017 | <u>12</u> | FIRST AMENDED COMPLAINT against CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF STATE filed by JANA OREAR, LOIS MOORE, JAMES MADISON PROJECT, CHRISTIANNE OMALLEY, MARK SAUTER, ROBERT MOORE.(zrdj) Modified to add defendant on 1/5/2018 (znmw). (Entered: 01/04/2018)                    |
| 01/02/2018 | <u>10</u> | Consent MOTION for Extension of Time to File Answer <i>First Amended Complaint</i> (ECF No. 5-3, not ECF No. 9) by DEPARTMENT OF STATE (Attachments: # <u>1</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 01/02/2018)  |
| 01/03/2018 | <u>11</u> | NOTICE of Docketing Error by MARK SAUTER (Moss, Bradley) (Entered: 01/03/2018)   |
| 01/04/2018 | <u>13</u> | SUMMONS (2) Issued Electronically as to CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE. (zrdj) (Entered: 01/04/2018)   |
| 01/29/2018 | <u>14</u> | ORDER granting <u>10</u> Motion for Extension of Time to Answer. Further ORDERED that all Defendants answer to the First Amended Complaint due by 1/31/2018. Signed by Judge Royce C. Lamberth on 1/12/18. (lsj) (Entered: 01/29/2018)   |
| 01/31/2018 | <u>15</u> | ANSWER to <u>12</u> Amended Complaint, ( <i>First</i> ) by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF STATE.(Whitaker,  |

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|            |           | Claire) (Entered: 01/31/2018)   |
| 02/05/2018 | <u>16</u> | ORDER directing the Government to produce a Vaughn Index by 3/2/2018. Signed by Judge Royce C. Lamberth on 2/2/18. (lsj) (Entered: 02/05/2018)  |
| 03/02/2018 | <u>17</u> | Consent MOTION to Vacate <u>16</u> Order, Set Deadlines <i>and to file Status Report on April 9, 2018</i> by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF STATE (Attachments: # <u>1</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 03/02/2018)   |
| 03/09/2018 | <u>18</u> | ORDER granting <u>17</u> Motion to Vacate. It is hereby ORDERED that Order <u>16</u> entered on 2/5/2018 is hereby VACATED. The parties are to file a Status Report by 4/9/2018. Signed by Judge Royce C. Lamberth on 3/8/18. (lsj) (Entered: 03/09/2018)   |
| 04/09/2018 | <u>19</u> | Consent STATUS REPORT by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF STATE. (Attachments: # <u>1</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 04/09/2018)  |
| 04/27/2018 | <u>20</u> | ORDER re <u>19</u> Status Report. Parties shall file another Status Report by 5/11/2018. Signed by Judge Royce C. Lamberth on 4/26/18. (lsj) (Entered: 04/27/2018)  |
| 05/11/2018 | <u>21</u> | STATUS REPORT by JAMES MADISON PROJECT, LOIS MOORE, ROBERT MOORE, CHRISTIANNE OMALLEY, JANA OREAR, MARK SAUTER. (Attachments: # <u>1</u> Text of Proposed Order)(Moss, Bradley) (Entered: 05/11/2018)   |
| 06/11/2018 | <u>22</u> | NOTICE of Appearance by Brian J. Field on behalf of All Defendants (Field, Brian) (Entered: 06/11/2018)   |
| 06/11/2018 | <u>23</u> | Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF STATE. (Field, Brian) (Entered: 06/11/2018)  |
| 07/13/2018 | <u>24</u> | STATUS REPORT ( <i>Joint</i> ) by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF STATE. (Attachments: # <u>1</u> Text of Proposed Order)(Whitaker, Claire) (Entered: 07/13/2018)   |
| 07/31/2018 | <u>25</u> | Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF STATE. (Field, Brian) (Entered: 07/31/2018)  |
| 08/10/2018 | <u>26</u> | Joint STATUS REPORT by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF STATE. (Field, Brian) (Entered: 08/10/2018)  |
| 10/05/2018 | <u>27</u> | Consent MOTION for Extension of Time to <i>file Partial Motion for Summary Judgment</i> by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF STATE (Field, Brian) (Entered: 10/05/2018)   |
| 10/09/2018 | <u>28</u> | ORDER granting <u>27</u> Motion for Extension of Time to File Motion for Summary Judgment. Summary Judgment motions due by 10/17/2018. Signed by Judge Royce C. Lamberth on 10/9/18. (lrc12) (Entered: 10/09/2018)  |
| 10/16/2018 | <u>29</u> | MOTION for Extension of Time to <i>file Motion</i> by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF STATE (Field, Brian) (Entered: 10/16/2018)  |
| 10/22/2018 | <u>30</u> | MOTION for Partial Summary Judgment by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF STATE (Attachments: # <u>1</u> Memorandum in Support, # <u>2</u> Statement of Facts, # <u>3</u> Declaration Stein Decl., # <u>4</u> Declaration Williams Decl., # <u>5</u> Declaration Beasley Decl., # <u>6</u> Declaration Espinal Decl., # <u>7</u> Declaration Trinh Decl., # <u>8</u> Declaration Shiner Decl., # <u>9</u> Text of Proposed Order)(Field, Brian) Modified event title on 10/23/2018 (znmw). (Entered: 10/22/2018) |
| 11/01/2018 | <u>31</u> | Consent MOTION for Extension of Time to File Response/Reply <i>to Defendants' Partial Motion for Summary Judgment</i> by JAMES MADISON PROJECT, LOIS MOORE, ROBERT MOORE, CHRISTIANNE OMALLEY, JANA OREAR, MARK SAUTER (Attachments: # <u>1</u> Text of Proposed Order)(Moss, Bradley) (Entered: 11/01/2018)  |

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| 11/06/2018 | <u>32</u> | ORDER granting <u>29</u> Motion for Extension of Time; Response to Motion for Summary Judgment now due by 11/15/2018. Signed by Judge Royce C. Lamberth on 11/6/18. (lcrcl2) (Entered: 11/06/2018)  |
| 11/12/2018 | <u>33</u> | Consent MOTION for Extension of Time to File Response/Reply to <i>Defendants' Partial Motion for Summary Judgment</i> by JAMES MADISON PROJECT, LOIS MOORE, ROBERT MOORE, CHRISTIANNE OMALLEY, JANA OREAR, MARK SAUTER (Attachments: # <u>1</u> Text of Proposed Order)(Moss, Bradley) (Entered: 11/12/2018)  |
| 11/19/2018 | <u>34</u> | Memorandum in opposition to re <u>30</u> MOTION for Partial Summary Judgment filed by JAMES MADISON PROJECT, LOIS MOORE, ROBERT MOORE, CHRISTIANNE OMALLEY, JANA OREAR, MARK SAUTER. (Attachments: # <u>1</u> Exhibit 1 – Moss Declaration, # <u>2</u> Exhibit 2 – AFHRA records, # <u>3</u> Exhibit 3 – 2014 DIA correspondence, # <u>4</u> Exhibit 4 – Rastvorov records, # <u>5</u> Exhibit 5 – POW interrogation records, # <u>6</u> Statement of Facts Response, # <u>7</u> Text of Proposed Order)(Moss, Bradley) (Entered: 11/19/2018) |
| 11/29/2018 | <u>35</u> | Unopposed MOTION to Modify Briefing Schedule by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF STATE (Field, Brian) . (Entered: 11/29/2018)  |
| 12/31/2018 | <u>36</u> | Consent MOTION to Stay <i>Proceedings in Light of the Lapse in Appropriations</i> by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF STATE (Field, Brian) (Entered: 12/31/2018)   |
| 01/29/2019 | <u>37</u> | ORDER granting <u>31</u> Motion for Extension of Time to File Response re <u>30</u> MOTION for Partial Summary Judgment, nunc pro tunc; Set/Reset Deadlines: Responses due by 11/15/2018. Signed by Judge Royce C. Lamberth on 1/29/2019. (lcrcl2) (Entered: 01/29/2019)  |
| 01/29/2019 | <u>38</u> | ORDER granting <u>33</u> Motion for Extension of Time to File Response re <u>30</u> MOTION for Partial Summary Judgment, nunc pro tunc; Set/Reset Deadlines: Responses due by 11/19/2018. Signed by Judge Royce C. Lamberth on 1/29/2019. (lcrcl2) (Entered: 01/29/2019)  |
| 01/29/2019 | <u>39</u> | ORDER granting <u>35</u> Motion to Modify, nunc pro tunc; Set/Reset Deadlines: Replies due by 1/3/2019. Signed by Judge Royce C. Lamberth on 1/29/2019. (lcrcl2) (Entered: 01/29/2019)  |
| 01/29/2019 | <u>40</u> | VACATED PURSUANT TO ORDER ENTERED ON 2/11/2019.....ORDER granting <u>36</u> Motion to Stay. Signed by Judge Royce C. Lamberth on 1/29/2019. (lcrcl2) Modified on 2/11/2019 (zlsj). (Entered: 01/29/2019)  |
| 02/01/2019 | <u>41</u> | NOTICE of <i>Restored Government Funding</i> by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF STATE (Field, Brian) (Entered: 02/01/2019)  |
| 02/11/2019 | <u>42</u> | ORDER LIFTING STAY. Signed by Judge Royce C. Lamberth on 2/8/19. (lsj) (Entered: 02/11/2019)  |
| 02/25/2019 | <u>43</u> | Consent MOTION for Extension of Time to File Response/Reply as to <u>30</u> MOTION for Partial Summary Judgment by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF STATE (Field, Brian) (Entered: 02/25/2019)   |
| 02/27/2019 | <u>44</u> | ORDER granting <u>43</u> Motion for Extension of Time to File Response/Reply re <u>30</u> MOTION for Partial Summary Judgment. Replies due by 3/22/2019. Signed by Judge Royce C. Lamberth on 02/27/2019. (lcrcl3) (Entered: 02/27/2019)  |
| 02/28/2019 |           | Set/Reset Deadlines: Reply to Motion for Summary Judgment due by 3/22/2019. (lsj) (Entered: 02/28/2019)   |
| 03/22/2019 | <u>45</u> | REPLY to opposition to motion re <u>30</u> MOTION for Partial Summary Judgment filed by CENTRAL INTELLIGENCE AGENCY, DEPARTMENT OF DEFENSE, DEPARTMENT OF STATE. (Attachments: # <u>1</u> Declaration Ex. A – Morris Decl., # <u>2</u> Declaration Ex. B – 2d Beasley Decl., # <u>3</u> Declaration Ex. C – 2d Shiner Decl.)(Field, Brian) (Entered: 03/22/2019)  |

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| 07/30/2019 | <u>46</u> | ORDER granting <u>30</u> Motion for Partial Summary Judgment. The parties shall file another joint status report no later than August 9, 2019 on whatever issues remain to be decided by the Court with proposed deadlines for bringing this case to a prompt conclusion. Signed by Judge Royce C. Lamberth on 07/30/2019. (lcrc12) (Entered: 07/30/2019) |
| 07/30/2019 | <u>47</u> | MEMORANDUM OPINION re Order <u>46</u> . Signed by Judge Royce C. Lamberth on 07/30/2019. (lcrc12) (Entered: 07/30/2019)   |
| 07/31/2019 |           | Set/Reset Deadlines: Joint Status Report due by 8/9/2019 (lsj) (Entered: 07/31/2019)  |